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ABSTRACT

This paper addresses the notion of accountability in teaching, arguing that teachers themselves should assume the challenge of making themselves accountable by developing a professional code of practice. The underlying notion of professionalism in teaching is first discussed as a context for justifying the further exploration of the possibilities of a professional code for teachers. An endeavor is made to clarify the form that a professional code might take by comparing it with the code of practice established by the Advertising Standards Authority in respect of advertisements directed at or portraying children. The content of such a code is discussed, along with how that content may be modified. Finally, the question of the status of such a code is addressed, with particular emphasis on whether it should be legal or moral. It is argued that such a professional code should primarily have a moral status, but that it should be promulgated as an enabling device under administrative law. (TE)

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TOWARDS A PROFESSIONAL CODE IN TEACHING

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Accountability has become a major topic on the educational agenda in the last few years. Within its compass have fallen a wide variety of theoretical and practical issues ranging from the technical problems of assessment, through parental participation to the relationship between central and local government. Underpinning the whole debate there lurks the intractable question of the character and extent of the autonomy of individual teachers and particular schools. Indeed, where such schemes presage tighter external control of schools and teachers that is frequently interpreted as an attack on the professional character of the occupation we know as Teaching. I have previously agreed that the only point of an accountability system is to improve practice and to show that that is being done (Sockett 1976). Like many others I would reject a model of accountability that is bureaucratic and utilitarian in form. Teachers should pick up the challenge of making themselves accountable and this might be done, in part, through the development of a professional code of conduct or practice. In this paper I intend to explore that possibility further in the tentative tone that the title indicates, though the content may prove controversial in character.

First it is necessary to make some general remarks about the notion of a profession and to draw attention to two of its associated concepts, professionalisation and professionalism which will provide a context for justifying the further exploration of the possibilities of a professional code. Second I will endeavour to clarify what form such a code might take

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by comparing it with the code of practice established by the Advertising Standards Authority in respect of advertisements directed at or portraying children. Third I will indicate what kinds of content such a code might contain and how that content may be modified and changed. Fourth and finally I will examine the status of such a code with particular emphasis on whether it should be legal or moral. I conclude that it should primarily have a moral status but that one of its items should have legal force. While the focus of this paper is on teachers in schools, its theme has application to all who teach.

I

What a profession is, whether Teaching is one, or whether it ought to become one are questions to which clear answers are elusive. From Schein (Schein 1974), Hoyle (Hoyle 1980) and Langford (Langford 1978) a galaxy of defining criteria have emerged. A profession is said to be an occupation with a crucial social function, requiring a high degree of skill and drawing on a systematic body of knowledge. Initiates to a profession require a process of socialisation into its values, usually supplied in Higher Education and the profession controls entry to its ranks. Its practitioners are autonomous in the sense that they are principals rather than simply agents-for-others in the ways that they act, and they are united both by an ideal of service and the pursuit of appropriate status goals. A profession will have a special voice in relevant public policy-making and it will have a distinctive code of ethics focussing on the interests of its clients. Such features will be recognised in the prestige a profession has and find practical embodiment in appropriate levels of remmneration.

That Teaching as an occupation does not meet some of these criteria is

obvious enough and Hoyle (op cit, p 46) has noted some of the arguments raised against its ever doing so. First the anti-professional would regard both the development of a special body of knowledge and the privileges accruing from professional autonomy as inimical to the real welfare of the client. Second the de-professionaliser would argue that its functions are no more critical to society than many others; that autonomy is a means of avoiding accountability; that the distinct set of values are a cover for self-interest, and that the argument for prestige is merely a tool for self-aggrandisment. Finally there is the realist who directs us to the social facts, namely that teachers are employees of local authorities and that the characteristics of the occupational group (size, social class origins, sex composition) and the nature and conditions of the teacher's work (socialising children, bureaucratic organisation, compulsory client relations) make the achievement of a full professional status a difficult, if not impossible task (Gibson 1980).

Nevertheless, Hoyle claims that the last decade has seen major advances in the professionalisation of Teaching (op cit). By professionalisation he means an improvement in the status of the occupation and an improvement in its actual practice. Improvement in status is exemplified by the levels of remuneration compared with other occupations which followed the recommendations of the Houghton Report in 1975. In practice terms, the profession has become all-graduate and in-service education has been significantly extended. Such developments have not been without controversy. The Professional Association of Teachers, for example, was founded in 1970 by a group of teachers who "were increasingly disturbed at the speed with which existing organisations resorted to the use of tactics which might harm pupils and students, in order to achieve their objectives." The Association talks of restoring professionalism in Teaching, an indication that, in the view of some teachers at least, status objectives had become more important than the improvement of the practice of Teaching in the drive for professionalisation.[4] (P.A.T. 1981).

Professionalism, to which this Association refers, is different from, but a part of, professionalisation. Hoyle speaks of it in terms of a commitment to the improvement of both status and practice. Teachers committed or dedicated to the improvement of practice are those who might formerly have been accredited with a vocation. If we cut the metaphysical link between the notion of a vocation and the idea of a calling, we might argue that a person with a vocation is one whose ideals and particular personal qualities find their best expression in a particular occupation. (see Emmett 1972, ch IX). Such teachers would clearly have a commitment, but so have many other practitioners without that happy fit of ideals, qualities and occupation. Behind any commitment to the improvement of practice must lie some kind of ideal of service, even if it be simply expressed as 'helping children'. A commitment to status alone, while not incoherent, is a corrupt kind of commitment; for what is the point of the status? A justification must lie in an account of the value of the occupation and the development of its practice. Presumably those who advocate and work for the professionalisation of Teaching would include therein the development and enchancement of professionalism.

There are three aspects of the occupation of Teaching in which developments are pre-eminently necessary:

i. the improvement of practice and a commitment to that improvement,

ii. the development of skill, insight and critical reflection which must be couched within a framework of theoretical understanding,

iii. the development of a community sharing practical and theoretical understanding within a commitment to common ideals.

There are internal connections between these three aspects of development which it is not necessary to delve into here. Whether as a three-fold conception that adds up to an advocacy of Teaching as a profession seems

increasingly less important. For our contemporary social context is one of profound technological and social revolution. All kinds of established boundaries and practices, patterns of employment and government, indeed the very shape of our life-expectations are in the process of revision. This revolution has tremendous potential for all manner of work-places such that the notion of a profession seems archaic, if not on the verge of redundancy, especially where it is conceived primarily in status terms. For example, could our profession reasonably retain its arguments for exclusiveness if there were vast human resources (from the early-retired, the redundant and the unemployed) available and eager to make a continuing social contribution through voluntary auxiliary help in schools? At a quite different level, what are the implications for the occupation of Teaching of the onslaught of information technology, the space invader of the teacher's space? Whatever the eventualities of this revolution, they need not affect the development of improved practice, skill, insight and theory in a community with common ideals, though the context for that development will manifestly be one of changing circumstances.

In our immediate political present, however, the community of teachers (whether they be regarded as a profession or not) is under pressure to respond to demands for accountability. The major threat is that accountability will take a sterile bureaucratic form. It is clear from a survey of research sources that there is a range of constituencies to which a school must respond, parents, LEAs, employers, pupils etc., and that there are diverse and exciting ways in which schools can become self-accounting (Sockett 1982). Kogan (Kogan 1978) has indicated the need, in a context of political threat, for schools to seek convergence, to present a unified front to those outside the gates. This is not to demand some unitary ideology transcending deep ideological divisions about the purposes of schools, the curriculum and school government.

It is to ask for a "negotiated working understanding". It may not be too difficult to reach such an understanding on a code of professional conduct based on best practice; that code would also provide one vehicle for school and teacher accountability alongside other accountability measures.

Such a code with a diverse content cannot be forced on to an occupation from the outside. As Langford puts it:

> If " a profession is neither more nor less than a living tradition as to how things should be done in a relevant field of practice.... in the final analysis....a code of professional conduct will contain more or less what the members of the profession - past as well as present - want it to contain; it will set out their own wishes for their own professional practice" (op cit, p 71)

Such a code, on Langford's view, would be a collection of established group-habits, embodying items of self-interest (i.e. status) as well as of professional purposes (i.e. practice). It is practice with which this paper is concerned.

II

What <u>form</u> might such a code take? First, a code is a code of rules. Rules set standards or norms in matters of individual or institutional conduct. People obey rules, because they see their point and desirability and they obey rules for a variety of other motives, fear of redress or sanctions among them. Second, rules do not dictate their own application, as we say; people have to determine when and how a rule is applicable. Third, as language is imprecise, the meaning of a rule can never be totally unambiguous: it requires interpretation. (cf Hart 1961).

Law, morality and convention contain all kinds of rules and within each it is possible to speak of moral codes. Equally a code may <u>combine</u> legal, moral and conventional rules, as in the Highway Code. This code

contains some rules of law, some of desirable moral practice, some of convention, even though a breach of any of them can constitute good backing for a prosecution in a motoring offence, particularly the compendious offence of driving without due care and attention. This code is directed at the average road-user. Yet a glance at the Police Manual on driving indicates that there is a much more highly developed code of practice for drivers of exceptional competence. It could well be that a professional code in Teaching might make much greater demands on some teachers rather than others.

In recent months the Advertising Standards Authority have themselves been advertising in the national press under the caption 'Spare the rules.... spoil the child'. This advertisement contains details of the advertisers' code of practice in relation to children as consumers or advertisements where children are portrayed. The code is based on research into children's reactions to advertisements, on laws which govern what children may do, and on morality and convention for the protection and care of children. Examples of its content include: that children should not be seen driving tractors, for it is against the Law. They should not be seen leaning dangerously out of windows, using matches, climbing up kitchen shelves, playing with disinfectants, or failing to obey the Highway Code or the Green Cross Code. Advertisements should not encourage children to feel that they will be unpopular or disloyal if they fail to buy a particular product. The code also incorporates an opportunity for redress. The Authority invites the public "to complain about any advertisement they find unacceptable". Indeed, "if after investigation we find the advertisement contravenes the code, we instruct the advertiser to amend or withdraw the advertisement."

The form of this code is of particular interest. First it is based on a wide variety of sources; research, law, morality and convention. Second,

though set out as a code of rules, it functions as a guide to advertisers. Third, the code has been made accessible to the public. Fourth there is a legitimate authority with a responsibility to maintain and develop the code and finally that authority offers the public the opportunity for redress of grievances. Whatever one's general feelings about consumerism the code indicates that advertisers recognise a moral obligation to the public as advertisements are potential sources of learning for children. It is calculated, in part, to establish public trust.

It is initially important to distinguish, if a professional code in Teaching were to take this form, between the sources upon which the code is constructed and the rules it contains. Langford (op cit) suggests that a code in Teaching would be a collection of group-habits, a living tradition of how things should be done. While habits and tradition may form a basis for the code, the form that the code takes is one of rules, not habits. Rather than containing a list of what teachers habitually do, a code contains rules which are standards and guides to conduct. This is a distinction of some importance. First Hart points out the difference between social habits and rules, albeit in a context of Law. Habits are what people do; they form no necessary guide as to what they should do; and a deviation from a habit is no necessary ground for criticism. A rule is a guide but a deviation from a rule is a prima facie ground for criticism. Second, Hart stresses what he calls the 'internal aspect' of rules; that is, if a rule is to exist some at least must look upon the behaviour in question as a general standard to be followed by the group to whom the rule applies. Third, if a code were simply a digest of occupational habits, there are a number of highly important virtues which could find no place in such a code. On Richard Peters' (Peters 1974 ch15) formidable analysis, justice, tolerance, prudence, integrity, perseverance and compassion, though different kinds of virtues, could not coherently be exercised as mere habits.

There is some kind of implicit 'code' in Teaching; that is, that there are a number of valued occupational habits which are the property of some but not all teachers. If such habits were to be codified into a set of rules to which the whole community of teachers owed allegiance, the framework within which they were thought of would undergo a radical transformation. First those to whom the rules apply would have to make certain that they were following them, or face criticism. Second the rules would become standards to be followed; through variety of application and interpretation they would be constantly shifting. That this would mark a profound change may be indicated by an example. We currently think it vaguely a good thing to wear a seat-belt in a car: we may get into the habit more or less, more so perhaps on long journeys. Our passengers are free to choose. Once that becomes a legal rule, however, wearing a seat-belt is going to demand our attention. We can expect the police, who have the responsibility to see that such rules are observed, to ensure that we comply. The shift from something being a desirable social habit to its becoming a rule has strong implications for those who are struggling to acquire a habit and for those who have not yet bothered to acquire it.

One factor of particular relevance to Teaching supports the importance of the shift from habit to rule, especially where such rules are directed at relationships with pupils as clients. It is an additional reason why a code is worth establishing. In general practice and particularly in psychiatric medicine, the relationship between the doctor and his patient is governed by a code; yet the relationship itself may be part of the cure or the therapy. The character of this professional relationship is quite different from that of a solicitor and his client where the buying of a house or the making of a will is not internal to their relationship. Teaching is, in this respect, akin to medicine. That is, the rules governing the relationship between teacher and pupil, whatever they may be, are part and parcel of the educational

engagement. The teacher acts, intentionally or not, as a model or an example of how things should be done; in the way that he treats his pupils he is indicating what is or is not an acceptable way to behave. To take a simple example; the teacher who is punctual and who apologises to a class for an occasional lapse is showing children that this is, for him, good behaviour. The code thus becomes, under one description, a part of the content of Teaching.

It is important not to see rules as simply coercive; they function as standards and guides. They are particularly important, in a professional context, for people who are learning the ropes in an occupation. They facilitate a person's mastery of a technique or a practice by making it possible for him to follow the experiences of others. In this respect, a code can have considerable educational value. It is perfectly true, however, that codes can degenerate into habits, they can atrophy or become anachronistic - as in some military codes of honour, or they can be applied without imagination, judgement or flexibility of interpretation as in some fundamentalist adherence to religious codes of worship or morality. Whether that happens will depend both on the practitioners and also on the authority delegated by them to a group either to see that a code is obeyed or to see that the standards are kept up-to-date.

The habits which form the basis for the code may, as in the advertisers' code of practice draw on a wide range of sources. Their origins are not of special importance. In the construction of a code, relevant areas of law, morality and convention must be examined with a view to including within a code rules which are not within the present occupational habits of the group concerned. In the same way that research into children's reactions to advertisements revealed considerations which influenced the construction of that code, we might expect in principle that educational research could also supply candidates for the content.[11]

reached by Rutter et al in Chapter X of their study of secondary schools (Rutter et al: 1979). Similar kinds of conclusions, in a wider frame of reference, are reached by HMI in the Secondary Survey (DES: 1979)

The fact that these prescriptions have been given some kind of research basis will raise contradictory responses. Of what value, we might ask, is research which only comes up with common-sense conclusions, a criticism which, incidentally, is handled by the authors (op cit, p 204)? Equally, not only may we criticise the style, character and method of the research itself but use other weapons from our critical armoury directed at translating them into prescriptions. Can we justify the translation from factual conclusions to prescriptions? Can conclusions from fifteen or so schools be extrapolated to cover all schools? What is the mix of fact and value in educational theory? Can moral prescriptions of this kind find any ultimate justification? Yet against these tough-minded questions, the prescriptions do represent some kind of common-sense in Teaching and they are the kinds of nostrums which, as teacher-educators, we would have no difficulty at all in handing on to students or young teachers.

In the context of accountability, furthermore, we would be ill-advised to neglect 'what the public wants', a leit-motif in the Secondary Survey and present too in the Advertisers Code. As far as we are able to judge, what the public at least wants is where Rutter et al begin: namely less truancy, better behaviour, less delinquency and more public examination successes. But, for Rutter and his team to have been able to draw out the conclusions on which the prescriptive rules are based, then it must be the case that a proportion of teachers do not, as a matter of fact, behave in the way the prescriptions suggest. Not only does the public want them to, it has a strong case for insisting that they do. A tribune of the people -

with support both from common-sense wisdom and research - might argue that if teachers aren't punctual, make them clock in. If unofficial physical sanctions are a hindrance to effective learning, prosecute the malefactors. If teachers can't or don't present acceptable models of inter-personal behaviour, sack them. And, we should ask ourselves, why not? Would it not be reasonable for the Courts to use these prescriptions as giving content to the notion of in loco parentis, that these are the ways in which the careful and prudent father would behave? Furthermore, could deviation from these rules be easily defended before an Industrial Tribunal?

There is, I suggest, a potentially wide range of normative teacher conduct and patterns of school management which could, on the basis of a negotiated working understanding, find its way into a code of professional practice and which would leave the integrity of ideological differences on one side. Of course that is a matter for further enquiry and even if these rules were to be regarded simply as means, rather than ends, there is obvious value content and inevitable potential for disagreement, disagreement which can arise in the formulation of the rules or over the interpretation of the different rules in practice.

In addition to the four areas suggested, Classroom Practice, Pastoral Care, Conduct of Schools and General Teacher Behaviour, there are other obvious candidates for inclusion: Relations between Teachers; School-Parent relationships and the whole matter of Accountability. In these areas we could do worse than begin with the work done recently in Sussex and Cambridge on accountability (c.f. Elliott et al 1981; Eraut et al: 1982). Since one of the purposes of the code is to improve practice, we might also expect there to be a professional obligation on a teacher to take care of his professional development. However there is an admittedly empirically untested distinction made familiar by Hoyle between restricted and

extended professionality (op.cit., pp 49-50). The restricted professional is characterised as intuitive, classroom-focussed and works from experience rather than theory. The extended professional locates his work in a broader context, including comparison with others, self-evaluation and a concern for theory and its relation with practice. It might appear that only the extended professional meets the criterion of concern with his own development. Although the typology is crude, it does raise the question whether there are not fundamental differences of perspective that a teacher may take on his work. Even if that is correct and even if we recognise the distinctive value of each perspective, that should not be taken as an argument for making the restricted professional somehow immune from an obligation to concern himself with his own professional development. It may take a different form; but even intuitions can be fostered and deepened.

Within the form of the code, as rules seen as guides and standards, I have suggested seven and possibly eight distinct areas within which content can be found: that is not to be taken as a comprehensive catalogue. The inclusion of that content, drawn from teacher habits, may be justified in substantial areas by common-sense wisdom and it can be backed, in some cases by research. Such rules will be modified and shifted partly by testing the rules out in application and partly through further research and experience. Although the rules formulated in this section have been addressed to teachers, I see no reason in principle why rules should not be appropriately directed at schools as institutions. In the same way that professional codes of ethics bind firms, partnerships and practices, so they can bind schools. That does not entail, however, that the institutional form of particular rules should mask individual teacher behaviour or protect them from public accountability, whatever a teacher's level in the hierarchy of management.

IV

Acceptable though the argument may seem so far as some kind of futuristic ideal, the notion of a code is empty if it has no application to reality. This problem is seen at its sharpest in discussion of the status of this putative code, in particular whether it is to be seen as having moral or advisory force only, or whether it is to find any form of legal embodiment, in whole or in part.

In this section I will first argue that, whatever the difficulties of a code taking legal form, we should not rule out the possibility. I will then suggest two organisational frameworks for such a code, neither of which seem to be satisfactory. Finally I will suggest that our present level of understanding and our present socio-political context point to one particular form of organisation which, I believe, is strong enough to be considered for embodiment in legal form.

In a recent article in New Society (31.12.81), Blackstone and Wood write as follows:

> "At present, some teachers can be persistently late in arriving at school in the morning, or in a few cases even be persistently absent without good reason. The burden falls on their colleagues who have to do extra work as a consequence but have little redress. Peer-group accountability might help.....One direction we ourselves would not want to take is the legal one."

These shirking teachers, as Blackstone and Wood describe them, are being protected by their colleagues from penalties following a breach of contractual obligations. Yet such shirking (or laziness, or incompetence or lack of concern) can be manifest in many other areas of a teacher's obligations. Consider Blackstone and Wood's reluctance to take the legal

direction with a conclusion from a well-known passage by Hart on the minimum content of natural law:

> "'Sanctions' are required not as the normal motive for obedience, but as a guarantee that those who would voluntarily obey shall not be sacrificed to those who would not....what reason demands is voluntary cooperation within a coercive system." (op.cit. p 193)

Human beings, Hart argues, have limited understanding and strength of will and that fact has to be taken into account in the construction and justification of a legal system, or, more generally in Law as a system. We may wish things were different, he implies, but sanctions are necessary.

Now it may be argued that teachers do currently act as voluntary cooperators within a coercive system. First they have contractual obligations as employees (and increasingly effective protection against arbitrary dismissal in Industrial Legislation). Second, since promotion does not follow as a matter of course in Teaching, the facts of career-development - based hopefully on performance - contain a minimally coercive element. Third, in the management hierarchy of schools and in the dynamic of schools as institutions there are manifold pressures on those who do not cooperate, albeit non-legal. Fourthly it may be argued that if both Common Law and the teacher's contracts under Civil Law were enforced, there is no need for additional legal backing referent to teachers as such.

Against such views we must note that a teacher's contractual obligations are remarkably unspecific in respect of critical areas like classroom behaviour and pastoral care, although Unions issue a plethora of literature on how the other items actually in a contract of employment are to be interpreted. Second the view of the carrot of promotion as some kind of concealed stick manifestly only applies to those who happen to have career ambitions. Third, the informal system of moral and other pressures may be sustained at a price;

procedures are rarely open to public scrutiny and as such may be insufficient protection for a teacher against arbitrary judgements. Finally in most professions there are professional offences which are not offences in common law but which carry varying types of professional sanction, the most serious of which is the loss of a licence to practice. Priests are defrocked, dentists, solicitors and doctors struck off for major breaches of ethical rules which are built into the disciplinary codes established under Administrative, not the Common, Law (see Wade 1960 part III). Administrative Law provides for professional tribunals, governed by the usual principles of justice, and managed by members of that profession usually with legal advice.

There are many possible reasons why we should avoid the processes of Law, some good, some bad. One factor relevant to the development of a code of professional conduct is critical. A code could well become frozen in its development by precedents expressed in case-law judgements. Such judgements might well obstruct the development of standards of improved practice and prove a blunt instrument in the difficulties of applying ethical principles in the educational engagement. Such a code, if it were too litigious, might atrophy. For the Law is not primarily, if at all, an instrument for developing standards but of maintaining those that exist. Legal rules are no more effective as an aid to the development of commitment and improvement of practice than are the crude measures of national standards of pupil achievement presently posing as accountability measures.

To rule out the legal direction ab initio for the code of conduct is somewhat cavalier. First it is widely understood and practised in other professions. Second it could lead to a greater openness and publicity in procedures and constitute a more effective defence against arbitrariness. Finally it may be necessary for the reason that Hart gives, namely that those

who would voluntarily cooperate should not be left with the burdens that shirkers (and others) leave in their wake. To leave open the possibility, however, is not to welcome it.

Hart's claim that reason demands voluntary cooperation within a coercive system, when applied to an occupational group, catches neatly the common-sense difference we see between the morality and the Law. The distinction is not accurate, of course, partly because many people voluntarily obey the Law and follow its rules and people can be coerced into forms of behaviour which are at least para-moral, for example through social pressure or religious authority or upbringing, even if they are not paradigm examples of the rational moral agent. The fact of transforming good habits into rules would itself possess the mildly coercive power of opening those who break the rules to criticism. Additional social pressures might follow without any legal sanctions as forms of persuasion leading to voluntary cooperation.

There are two organisational possibilities, each with different implications, for the institutionalisation of such a code. First there is a model in which teachers as a body produce a professional code of practice morally binding on its members, a model to which the Professional Association of Teachers seems to be aspiring. Such a model would include an authoritative group to draw up the code and to be responsible for its care and development. The only sanction such a body would have against members in breach of the code would presumably be expulsion from that body which would leave the defaulter's professional employment untouched. Nevertheless, the present management systems in schooling, LEAs, governors, and managers might well begin to use breaches of the code as grounds for redress or sanctions against those in default, in much the same way that careless police drivers find themselves back in the office. On an alternative model Teaching Unions might widen the present perceptions of a General Teaching Council and seek authority under Administrative

Law to set up both an Ethics Committee to monitor and develop the code and a Disciplinary Committee to deal with cases put before it in tribunals. That could apply to institutions and to individuals. Such a development would have to carry with it the ultimate sanction, namely the removal of the licence to practice as a qualified teacher, even if it were formulated as a recommendation to the Secretary of State.

In the first model there is clear provision for public participation in the making of judgements through elected LEA representatives and through the management bodies of schools. But the profession producing the code does not have the control of its application. The second model celebrates the notion of peer-group judgement which Becher and Maclure have argued for as a central principle in natural justice: "the accountability of a professional to his peers", they write, "shares with the jury system a strong grounding in common sense and an appropriate aura of fairness." (Becher & Maclure 1978, ch. X, p 237) Whether the notion of peer-group judgement is appropriately applied to institutions as distinct from individuals is not as perspicuous as Becher and Maclure make out. In the contrast between these two models there is a range of comparative matters, the most significant of which stands at the heart of professional and quasi-professional practice: this is the extent of the autonomy of the profession in matters of government and discipline. The Police, for example, have a huge measure of independence in their strategies and tactics even though they are firmly law-governed. Public participation in their government and operation at the local level is through Watch Committees but only in the wake of the Scarman Report do they appear to be conceding that such participation should extend to disciplinary matters.

19 The problem with these two models, however, is that they are distant from social reality in several respects. First they assume a cohesiveness and

unity across a very large occupation which does not exist, and, without which, neither model could be promoted. Second the problems of public accessibility and public trust are largely local, even parochial matters rather than national. Moves for accountability and expressions of concern within the profession suggest that there is a gulf of confidence to be bridged, and it is between individual schools and their constituents that the dialogue has to start. Indeed from both the Cambridge and Sussex research, locally based accountability schemes seem viable. Schools can develop ways of informing people what they stand for, but the audiences across the country differ hugely. Guiding such developments must be general principles of fairness, accessibility and opportunity for redress. But the point is the encouragement of confidence and trust with local constituents through improving practice and promoting mutual understanding.

Schools provide information to parents and pupils as clients. The clients' side of the contract, as it were, is usually clearly spelt out in terms of rules couched within an ideological framework of participation and values-rhetoric. What such documents rarely state clearly is the school's end of the contract. Of course that cannot be a contract which includes predictions of pupil attainments. What it could reasonably include are detailed rules of classroom practice, indeed the content of the professional code as a whole, to which the school and its individual teachers would be bound. Thus, while we might accept in principle the desirability of a professional code, accept that it should have primarily moral force, agree that it should embody opportunities for redress, the application of such a code profession-wide looks simply unrealistic. What is not unrealistic is that individual schools might develop and publish their particular codes of professional conduct.

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Such a code would be a major element in the quasi-contractual relations between schools and both parents and pupils as clients. The code could be made easily accessible to the constituents whom the school addresses. A school would need to devise its own procedures for constructing the code, for keeping it under review and for dealing with grievances, among which would be the matter of lay participation. The development of such school-based codes would leave things much as they are in terms of the formal responsibilities for guidance and discipline of teachers except in terms of the impact anticipated when good habits become rules. The code would have moral force; it would seek for voluntary cooperation within institutions. It would add a major dimension to the present very weak patterns of coercion without itself providing a range of sanctions.

Such codes, then, would have moral force and be germane to particular institutions. That all schools should <u>have</u> such a code of professional conduct, publicly accessible, seems to me to be desirable enough to incorporate in Law. Such a legal rule might be contained in an act of general educational legislation. Within civil law however it would invite the development of highly specific legislation on professional behaviour which, for reasons previously adumbrated, would not be welcome.

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On the other hand, it could be promulgated as an <u>enabling</u> device under Administrative Law. By framing it in this way, questions about professional development and the development of the profession are left open. The legal enactment would provide a framework for the election, no doubt through Unions, of a Professional Ethics Committee for Teaching. Its responsibilities would extend simply to ensuring that schools in cooperation with LEAs and managers devise and publish their own code of conduct: it would have the opportunity to examine such codes and aim, perhaps over a long period, to develop a profession-wide code of practice. The fact that this obligation fell on schools would open up detailed dialogue and examination of all aspects of content of the code, including modes of public accessibility, alternative patterns of redress

within schools, indeed on any rules which a school believes should be binding on its teachers in their very different situations. Furthermore it would enable much more informed discussion to take place on the character and extent of professional self-government and the form that might eventually take. If any occupation wants the privileges of self-government, it should first state unequivocally its public obligations on all aspects of its work. Here a system for the improvement of a practice would be seen to be of prior importance to that of status.

What might the advantages of such an enabling device be, formal though it is? First a professional commitment of this kind would wrest the accountability initiative from those with myopic visions of its purpose. Second whatever the outcome of national deliberations on curriculum, it would give backing to the local concerns of schools and their relations with their particular communities. Third it would be a major step forward to gaining public and political confidence at large. Fourth it would provide a framework for the development of other critical aspects of the accountability of schools to their constituents. Fifth it could serve to bring pupils' judgements more seriously into account. Sixth it provides a way forward for more detailed exploration of the appropriate extent of autonomy for teachers and schools without the rather general arguments which are usually brought to bear on such matters. Last, but not least, it would provide a coherent empirical base of what teachers believe ought to be their obligations for the discussion of what improvements and developments should be examined.

V

To conclude. Teachers and educational researchers (with one or two notable exceptions) tend to view educational problems only through the eyes of teachers. Pupil and parent perspectives are rarely the basis from which

we see the problems. Yet as parents we can sometimes see quite clearly from the experiences of our own children instances of teacher incompetence, lack of concern, and laziness and there is no easy method, particularly if we are teachers ourselves, of seeking redress of our unstated grievances. Like many other parents we simply accept the situations as part of life's rich lottery and attempt to minimise our children's anger or distress. It is foolish of course to generalise about levels of teacher ability, either that they are mostly excellent or that they are mostly incompetent. Reason and experience suggest that, as in all other walks of life, the picture is mixed. If we care about education, of other people's children as well as our own, while we may not want to pick up the cudgels in cases of concern to us as individual parents, we should want to devise systems in which general improvements can be promoted. We may hope that such systems may elicit voluntary cooperation, but we should not back away from measures which may have an increasingly coercive element if that is what reason demands.

Pupils' perspectives on a teacher's obligations are not, in principle, difficult to discover: but the gladitorial context in which they are usually framed can lead to heavy discounting of those perspectives. In Grange Hill* recently Trisha Yates has been considering what her fourth-year options should be and she was incensed when her wish to take Technical Drawing was regarded as some kind of feminist aberration. In questioning Miss Peterson as to why she could not take TD, the only response was that that was just the system: she couldn't. So Trisha took her case to Mrs. McCluskey, the Head. What one might wish to say, in the light of what I have said, is that Miss Peterson should have seen here a problem of good professional practice. A form-teacher should, other things being equal, see it as her duty to promote the wants and interests of pupils as part of their general welfare. She should have offered Trisha help in finding a way through the system. If such a principle

*(A British TV serial on a school)

were incorporated in the professional code of practice within Grange Hill, then Trisha would have a genuine grievance. Such an instance provides a simple example of the ways in which professional practice in the occupation of Teaching might be transformed through commitment to an authentic code of professional conduct, constructed intially in the individual school, where professional practice and public accountability and trust are primarily located. Matters of professional status could then be cogently re-examined, if they still have relevance.

REFERENCES

BECHER, A. and MACLURE, S. (eds) (1978) — Accountability in Education, NFER

BLACKSTONE, T. and WOOD, R. (1981) — 'Making Schools more accountable' New Society (31.12.81)

ELLIOTT, J., BRIDGES, D., EBBUTT, D., GIBSON, D.R. and NIAS, J. (1981) — The Self Accounting School, London, Grant McIntyre

ERAUT, M., BECHER, A., KNIGHT, J. (1982) — Policies for Educational Accountability London: Heinemann (in press)

EMMETT, D. (1972) — Function, Purpose and Powers, London: Macmillan

GIBSON, D.R. (1980) — 'Teachers as Employees' in SOCKETT, H.T. (ed) Accountability in the English Educational System London: Hodder and Stoughton

HART, H.L.A. (1961) — The Concept of Law O.U.P.

D.E.S. — Aspects of Secondary Education in England London HMSO 1979

HOYLE, E. (1980) — 'Professionalisation and Deprofessionalisation in Education' in Professional Development of Teachers, World Year Book of Education 1980, London: Kogan Page.

KOGAN, M. (1978) — 'The Impact and Policy Implications of Monitoring Procedures', in BECHER, A. and MACLURE, S. (eds) Accountability in Education, NFER

LANGFORD, G. (1978) — Teaching as a Profession Manchester: University Press

PROFESSIONAL ASSOCIATION OF TEACHERS (1981) Brochure. Friar Gate, Derby

RUTTER, M. MAUGHAN, B., MORTIMORE, P. OWSTON, J. (1979) — Fifteen Thousand Hours London: Open Books

SCHEIN, E.H. (1974) — Professional Education: Some new directions Carnegie Commission on Higher Education, New York: McGraw-Hill

SOCKETT, H.T. (1976) — 'Teacher Accountability' in Proceedings of the Philosophy of Education Society of Great Britain, Vol X, July 1976

SOCKETT, H.T. (1982) — 'Accountability' in COHEN, L., MANNION and THOMAS, J.B. Educational Research and Development in Britain, Vol IV. NFER in press.

PETERS, R.S. (1974) — Psychology and Ethical Development, London: George Allen and Unwin

WADE, E.L. (1960) — Constitutional Law Longmans London.